

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19277 of 2019

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Raj Kumar S/o Gauri Shankar Modi Resident of Jonka, P.O.- Karma, P.S.-
Taljhari, Circle- Karma Jarmundi, Distt.- Dumka (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary General Administration Department, govt. of Bihar,
Patna
3. The District Magistrate Gopalganj
4. The Deputy Collector (Establishment) Gopalganj
5. The Sub divisional Animal Husbandry Officer Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Sinha
For the Respondent/s : Mr.Anil Kumar (Sc8)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 03-03-2021 Conceptually compassionate appointment is social security measure adopted by the welfare Government to provide financial assistance to the family of the bread earner died in harness.

In fact, contrary to the constitutional scheme of Article 14 and 16 but it is permissible only as a social security measure to tide over the financial crises occasioned to the family of the bread earner on untimely death. It is never consider as a tool to claim reservation. Since the brother of the petitioner is gainfully employed, the respondents have rejected the claim of the petitioner.



Mr. Prashant Sinha, learned counsel for the petitioner submits that though the brother of the petitioner is employed as Para-Teacher but the income of the petitioner is negligible and that cannot be treated as employment to reject the claim of the petitioner for compassionate appointment. As indicated hereinabove compassionate appointment is not a reservation. It is based on policy decision and in a situation when one of the brothers is in job, there is no arbitrariness in the decision making process. The decision to reject the claim of the petitioner cannot be faulted.

In view of the above, the writ application does not merit any consideration and is dismissed accordingly.

(Anil Kumar Upadhyay, J)

Ravi/-

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